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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONYA RENEE *et al.*,
Plaintiffs,
v.
MARGARET SPELLINGS, in her official capacity;
UNITED STATES DEPARTMENT OF EDUCATION,
Defendants.

Case No. 07-04299 PJH

**DECLARATION OF N. DOE IN
SUPPORT OF PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

Time: 9:00 a.m.
Date: April 23, 2008

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DECLARATION OF N. DOE

I, N. Doe, hereby declare:

1. The matters set forth herein are based upon my own personal knowledge, except where stated to be based upon information and belief, and if called to testify, I could and would do so competently as follows:

2. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

3. I reside in Hayward, California in the County of Alameda. I am a plaintiff to this action, *Renee v. Spellings*. My 7 year old daughter B. Doe, identified in this action as B. Doe to protect her identity, is also a plaintiff in this action and also resides in Hayward, California. I serve as B. Doe's *guardian ad litem*.

4. My daughter B. Doe is a second grade student at Longwood Elementary School in the Hayward Unified School District (“HUSD”). The teacher assigned to teach her class this year (2007-2008) is Ms. Ruth Holguin, an intern teacher. A true and correct copy of Ms. Holguin’s teaching credential is attached to this declaration as Exhibit 1.

5. Last year, Ms. Holguin used to work in the office at my daughter's school and was not a teacher at all.

6. I would prefer that my children only be taught by teachers who have been fully certified by California. I do not believe that teachers who are still taking classes to learn how to teach and still working towards their full California teaching credentials should be considered “highly qualified”—either as a matter of common sense or as a matter of interpreting NCLB. Also, if any of my children are being taught by a teacher who is still in training and working towards her full certification, I want to be informed of that fact, and I don’t want the school and the district to simply consider such a teacher as the equivalent of a fully trained and fully certified teacher.

7. Longwood Elementary is a school that receives Title I funding to support academic programs for low-income students. I understand that under NCLB, I am supposed to receive a notice from the school at any time when my child has been taught by four or more consecutive weeks by a teacher who

1 is not "highly qualified." I have never received a notice from Longwood Elementary School or HUSD
2 stating that Ms. Holguin is not "highly qualified."

3 8. As a result of the United States Department of Education regulation that includes within the
4 definition of a "highly qualified" teacher someone who is currently participating in a teacher internship
5 program, Longwood Elementary School and HUSD consider Ms. Holguin "highly qualified" and report
6 her as "highly qualified" when responding to California and NCLB teacher reporting requirements.

7 9. This Department of Education regulation, which I am challenging in this lawsuit, harms my
8 daughter B. Doe and me in three ways. First, the regulation allows Ms. Holguin, B. Doe's current
9 second grade teacher, to be hired and assigned to her and mislabeled as "highly qualified." Second, the
10 regulation deprives us of the benefit of state and local district plans to meet NCLB's requirement that all
11 children have full and equal access to "highly qualified" teachers in their core classes. Third, the
12 regulation deprives us of accurate information about non-"highly qualified" teachers teaching at
13 Longwood Elementary School and within HUSD, including a letter informing me that my daughter B.
14 Doe has been taught for four or more consecutive weeks by a teacher who is not "highly qualified." In
15 addition, of course, the regulation similarly deprives me of accurate information regarding non-"highly
16 qualified" teachers in California and across the country too.

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18 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
19 correct.

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1 Dated: January 15, 2008
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N.DOE
N. DOE

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2 **INTERPRETER'S DECLARATION**

3 Deisy Bates declares:

4

5 1. I am fluent in English and Spanish, and over the age of 18. I am not a party to this action.

6 2. I accurately interpreted the document entitled, "Declaration of N. Doe In Support of

7 Plaintiffs' Motion for Summary Judgment" from English to Spanish for N. Doe.

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9 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and

10 correct.

11

12 Dated: January 15, 2008

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DEISY BATES

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EXHIBIT 1

Welcome to California Commission on Teacher Credentialing Online Verification. This site is compatible with assistive technology. Skip to navigation

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Tuesday, January 15, 2008



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California Commission on Teacher Credentialing



search

Selected Credential Held

The application status and credential information was last updated on 01/14/2008. Please note: Upon receipt, the California Commission on Teacher Credentialing may take up to 75 working days to process an application. Local employing agencies have the flexibility to assign individuals to serve in subject areas other than those authorized on credentials. The Commission, at one time, issued documents without assigning any document number. Assigning a document number to these records was necessary to be able to display them online. The document numbering assigned to display those records will appear as "NONE1, NONE2, NONE3, etc."

Details of Selected Credential

Name: HOLGUIN, RUTH P.

Document Title Internship Multiple Subject Teaching Credential

Document Number 070309751

Authorization Code(s) R2B4

This document authorizes the holder to provide the following services to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults; (2) specially designed content instruction delivered in English in multiple-subject-matter (self-contained) classes, or single-subject-matter (departmentalized) courses as authorized by any supplementary authorization listed above; (3) content instruction delivered in the language of emphasis listed above in multiple-subject-matter (self-contained) classes, or single-subject-matter (departmentalized) courses as authorized by any supplementary authorization listed above; and (4) instruction for primary language development in the language of emphasis listed above in grades twelve and below, including preschool, and in classes organized primarily for adults. This bilingual, crosscultural, language and academic development authorization also covers classes authorized by other valid, non-emergency credentials held, as specified in Education Code Section 44253.4.

R2M

This credential authorizes the holder to teach all subjects in a self-contained class and, as a self-contained classroom teacher, to team teach or to regroup students across classrooms, in grades twelve and below, including preschool, and in classes organized primarily for adults. In addition, this credential authorizes the holder to teach core classes consisting of two or more subjects to the same group of students in grades five through eight, and to teach any of the core subjects he or she is teaching to a single group of students in the same grade level as the core for less than fifty percent of his or her work day.

Renewal Code(s) R17

This internship credential may not be renewed. To continue to serve in a position authorized by this credential, the holder must receive a formal recommendation from the supervising college or university for the preliminary or clear credential which authorizes this service.

Issuance Date 08/24/2007

Expiration Date 09/01/2009

Authorized Subject(s) BCLAD: Spanish

General Subjects (Examination)

Employment Restriction(s) HAYWARD UNIFIED SCHOOL DISTRICT